G. R. S. IX-5]

Previous references.

File No. 4-1849

191 .

Serial Nos. 5-6

(cls)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 5-6

Part B for October 1892

SUBJECT.

Investiture of
Powers ~~of an~~ to Assistants as ~~with~~ regards the
Collection of fines &c in Cattle-pounds.

CS
4-1879
5

No. 4318/2386

(10)

PROCEEDINGS OF THE CHIEF COURT OF MYSORE.

Bangalore 24th August 1892.

Read notes of Inspection of the Registers, &c., of the Court of the Amildar Magistrate of Pavoogada Taluk made by the District Magistrate of Tumkur on 23rd September 1891, and submitted with his No. 643, dated 25th Idem.

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1. It is not correct to call an Amildar "Head of Cattle Pounds." It is true that, under Section 12 of the Cattle Trespass Act, the Amildar is appointed as the "Officer through whom fines shall be sent to the Magistrate of the Districts." But this appointment gives him no contral over the Pound-keepers as such.

Register No. III Miscellaneous Cases.

2. The enquiry conducted by an Amildar under Section 17 of the Cattle Trespass Act, is not an enquiry conducted in his capacity of Magistrate. He collects evidence and reports as a Commissioner to the District Magistrate, to enable that Officer to dispose of the surplus proceeds. The proceedings of the Amildar ought not to be entered in the Register which he is bound to keep as a Magistrate.

3. The Register No. 10 will be maintained, as heretofore; but the claims relating to unclaimed proceeds of sales of cattle have to be disposed of by the District Magistrates, who will enter the orders passed by them on enquiry by Amildars in Register No. III.

4. Attention is invited to Chief Commissioner's Proceedings No. 8635, Judicial 8, dated 24th February 1880, which directs that the unclaimed proceeds of sales of cattle cannot be dealt with by Amildars, as the Act contemplates such sums being kept in deposit by the Magistrate of the District, to whom claims regarding them have to be preferred. It is stated in Dewan's Proceedings No. $\frac{2795\ 2802}{44}$ dated 5th July 1881, that there is no objection to the District Magistrate getting Amildars to investigate into these claims; but it must be borne in mind that the investigation here contemplated is the preliminary one referred to in para 2, the result of which has to be submitted to the District Magistrate for orders as already pointed out.

By order,

J. CLAPHAM,

Deputy Registrar.

Central Jail Press, Bangalore.—15-9-92.—262.

Sub
Recd 16th Sept
15.10.92

Submitted to Chief Secy

Read in abstract
& particularly para 4
& say recorded

17/10/92

No 5711
J.J. 139-92 dt 22/10/92 (11)
26th

J. Reg no 294

Read,

Pro. No 4318/2386 of the Chief Court of Mysore passing on notes of Inspection of Registers &c of the Court of the Amildar Magistrate of Savagadu Taluk, made by the Dist. Magistrate of Tumkur on 23rd Sept 91. and observing that it is not correct to call an Amildar "Head of Cattle Pounds" as and that the enquiry conducted by him under Section 17 of the Cattle Trespass Act, is not an enquiry conducted in his Capacity of Magistrate and that in accordance with Chief Court's Pro. No 8635 Judicial 8 of 24th Feby, 1880. the Amildar cannot deal with the unclaimed proceeds of Sales of cattle though he may be directed to hold preliminary investigation ~~only into these claims~~ by the Dist. Magistrate who has the Custody of the Sale proceeds & to whom claims regarding them are to be made.

Order.

Recorded.

To the Registrar of the Ch. Court

Draft